

REMARKS

The present invention relates to a porous fiber comprising a hydrophobic solvent-soluble polymer and an organic compound having a plurality of hydroxyl groups, having defined characteristics in terms of average fiber diameter, void percentage, and the number-average molecular weight of the organic compound.

Applicant has filed an Amendment Under 37 C.F.R. § 1.116 on May 16, 2008, in response to the Office Action dated February 13, 2008, but in the Advisory Action the Examiner refused to enter the Amendment as not placing the application in better form for appeal in an Advisory Action dated May 20, 2008.

More specifically, in the Advisory Action, the Examiner indicated that according to Hobbs, the porous fiber may be formed from blends of polylactic acid and the other aliphatic polyesters. The Examiner indicated that Hobbs teaches that aliphatic polyesters include those homo and copolymers that include one or more of a diol such as ethylene glycol, 1,2-propanediol, 1,3-butanediol and diethylene glycol. Still further, the Examiner indicated that according to Applicant's specification, these organic compounds meet Applicant's organic compound requirements as they inherently possess a low number average molecular weight as claimed by Applicant.

Although Applicants are not completely clear as to the Examiner's meaning, it is thought that the Examiner may be referring to unreacted or insufficiently polymerized ethylene glycol, etc., which could be considered as "an organic compound having a plurality of hydroxyl groups" of the present invention having number-average molecular weight of 62 - 300. However, such a theory by the Examiner cannot be taken as a teaching of the Hobbs reference.

Thus, the Examiner's position appears incorrect in that the Examiner relies on a theory about Hobbs for attacking the novelty of the present invention. That is insufficient. The Examiner has not resorted to a working example or its equivalent. In other words, the mere reference to a possible embodiment of Hobbs can not serve as a basis for negating novelty of Applicant's product claim under the doctrine of inherency. The actual examples of Hobbs only describe poly(L-Lactide) and 16 wt% calcium carbonate. Please note that monomer and polymer of polylactic acid have only a single hydroxy group, since the unique hydroxyl group of lactic acid is consumed during the polymerization reaction.

In view of the Amendment and the remarks herein, it is respectfully submitted that the rejection under 35 U.S.C. § 102(b) based on Hobbs should now be withdrawn.

In view of the above, reconsideration and allowance of claims 1 - 4, 6 - 8, and 10, and rejoinder and allowance of method claims 11 - 13 of this application are now believed to be in order, and such actions are hereby earnestly solicited.

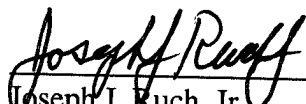
AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Application No.: 10/544,112

Attorney Docket No.: Q88453

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the local Washington, D.C. telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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